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REMARKS

Upon entry of this reply, claims 1-22 will remain pending. Claims 1 and 21 are independent claims.

Applicants again note that the Advisory Action improperly does not indicate that the Amendment to the specification included in the Amendment Under 37 C.F.R. 1.116 will be entered for purposes of appeal. Accordingly, Applicants request that the record be clarified to indicate that the amendment will be entered for purposes of appeal.

Reconsideration and allowance of the application are respectfully requested.

Discussion Of Telephone Interview

Applicants express appreciation for the courtesies extended by the Examiner during a June 8, 2007 telephone interview with Applicants' representative Arnold Turk.

During the telephone interview, Applicants' representative discussed the new matter rejection with the Examiner, and pointed out support for the claimed subject matter in accordance with the Amendment Under 37 C.F.R. 1.116, filed May 2, 2007, especially arguing that adequate written description is provided in the originally filed application for the claim language of para- or meta- phenylene group, when n=1. However, the Examiner contended that only *p*-ethenylbenzyl or *m*-ethenylbenzyl are supported in the originally filed application. The Examiner appeared to contend that Applicants' written description does not support the disclosure for each and every R¹, R² and R³ group.

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Claim Of Priority

Applicants once again request that the Examiner acknowledge Applicants' claim of foreign priority as well as receipt of the certified copies of Japanese Application Nos. 2003-019475 and 2003-136496 concurrently filed with the application on November 24, 2003.

Applicants request that the acknowledgement being made in the next communication from the Patent and Trademark Office.

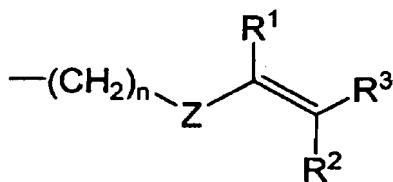
Restriction Requirement

Applicants again point out that non-elected claims 1, 19 and 20 are being permitted to remain pending subject to possible rejoinder.

Response To Rejection Under 35 U.S.C. 112, First Paragraph

Claims 2-18, 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement with it being alleged that amended claim 21 contains the limitation "Z is a para- or meta phenylene" and the specification only has support for para- or meta- ethenylbenzyl, not the broader para- or meta- phenylene, and therefore the limitation is asserted to constitute new matter.

In response, Applicants once again note that independent claim 21, includes amongst other recitations included therein, a terminal group of the polyethylene ether represented by



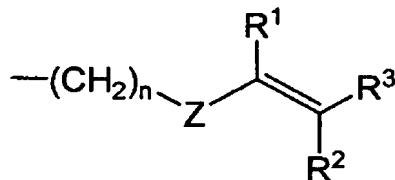
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Moreover, independent claim 21 recites that when Z is a para- or meta-phenylene group, n is 1.

Thus, as defined in claim 21, when Z is a para- or meta-phenylene group and n is 1, the formula $-\text{CH}_2\text{-Z-}$, corresponds to a para- or meta-benzyl group, which forms a terminal group named as the para- or meta-ethenylbenzyl group when the benzyl group binds to an ethenyl group, i.e., $-\text{C}(\text{R}_1)=\text{CR}_2(\text{R}_3)$.

This feature included in Applicants' independent claim 21, and the claims dependent therefrom, is supported by Applicants' originally filed application, including the disclosure at page 9, lines 20-24, of Applicants' originally filed specification (with typographical corrections made in the Amendment filed June 8, 2006), in which the above-noted terminal structure of the polyphenylene ether is described as follows:

In the following partial structure of PPE (I), it is preferable that Z is a phenylene group and n is 1 (i.e., benzyl derivative), or that Z is an oxygen atom and n is 2, more preferably a *p*-ethenylbenzyl, *m*-ethenylbenzyl, or ethenyloxyethyl group.



Applicants submit that it is a common understanding for one having ordinary skill in the art reading Applicants' originally filed disclosure to readily understand that the preferred embodiment of the terminal structure is represented by the formula, $-\text{CH}_2\text{-C}_6\text{H}_4\text{-}(\text{ethenyl group})$, in which a methylene group (CH_2) constituting the benzyl derivative ($-\text{CH}_2\text{-C}_6\text{H}_4\text{-}$) and an ethenyl group are mutually placed to a para- or meta-position around a phenylene group ($-\text{C}_6\text{H}_4\text{-}$).

In other words, in the above-shown general structure, since Z is a phenylene group and n=1, (i.e., benzyl derivative), it is readily understood by one having ordinary skill in the art that the para-

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or meta-ethenylbenzyl group is constituted from the para- or meta-phenylene group as Z, around which the CH₂ group (i.e., n=1) is put in the para or meta-position relative to the ethenyl group.

Therefore, one having ordinary skill in the art would readily recognize from Applicants' originally filed application that the preferable grouping of the benzyl derivative (Z is a phenylene group and n=1) is a para- or meta-phenylene group, and the ethenyl group is a preferred group.

In the instant situation, it is readily seen that Applicants were in possession of para- and meta-phenylene groups, and especially benzyl derivatives thereof at the time of filing their application. It is therefore evident that at the time of filing of Applicants' application, Applicants were in possession of the claimed subject matter, and a written description rejection is without sufficient basis. In this regard, the Examiner is reminded that if a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972).

During the above-noted interview, the Examiner appeared to be concerned that the specification does not explicitly include whether all phenylene groups are ortho, meta or para. In contrast with this concern, Applicants again note that one having ordinary skill in the art would readily recognize from Applicants' originally filed application that the preferable grouping of the benzyl derivative (Z is a phenylene group and n=1) is a para- or meta-phenylene group, with the ethenyl group being preferred. Thus, one having ordinary skill in the art would understand that Applicants, at the time of filing of their application, were in possession of a benzyl derivative (Z is a phenylene group and n=1) at least for para- and meta- positioning. Therefore, the claimed subject matter does not constitute new matter, and is based upon an adequate written description.

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Accordingly, the claimed subject matter recited in independent claim 21 and the claims dependent therefrom is fully supported by Applicants' originally filed application, and does not constitute new matter. Thus, the rejection should withdrawn.

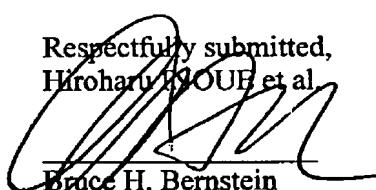
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

June 11, 2007
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